

RECEIVED and FILED by the  
NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS  
on this date of: Feb. 28, 2001 *YC*

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF VETERINARY MEDICAL EXAMINERS

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IN THE MATTER OF A DISCIPLINARY  
ACTION AGAINST THE LICENSE OF

MORSY A. ALSAMADISI, BVSc  
License No. VI04242

TO PRACTICE AS A VETERINARIAN  
IN THE STATE OF NEW JERSEY

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Administrative Action

FINAL DECISION AND ORDER  
AFTER UPL EXPLANATION

This matter was opened to the New Jersey Board of Veterinary Medical Examiners (hereinafter the "Board") on an investigation of a complaint by Mark Lee (hereinafter "Mr. Lee") against respondent Morsy A. Alsamadisi, BVSc (hereinafter "respondent"). On September 19, 2000, Mr. Lee faxed to the Board a copy of his invoice for services rendered by respondent and a copy of the advertisement circulated by respondent. Mr. Lee questioned whether respondent's advertisement contained any violations. The Board reviewed the invoice and the advertisement which was referred to by Mr. Lee. The complaint/investigation revealed probable violations of N.J.A.C. 13:44-4.8(e)(2) and N.J.A.C. 13:44-4.8(l).

On October 30, 2000, a Uniform Penalty Letter (hereinafter "U.P.L.") was sent to respondent setting forth the initial findings of the Board and offering respondent the opportunity to settle this matter by acknowledging the violations and paying a civil penalty in the aggregate amount of \$500 for two (2) violations of N.J.A.C. 13:44-4.8, constituting a second offense as it relates to advertising. Specifically, the U.P.L. reflects the following:

1. A civil penalty for the failure to provide a fixed or stated range of fees against which the 10% is to be applied in violation of N.J.A.C. 13:44-4.8(e)(2) and
2. A civil penalty for the failure to provide his degree after his name or the word "veterinarian" in violation of N.J.A.C. 13:44-4.8(l).

In addition, the letter directed Respondent to take the following corrective action:

1. Cease and desist from advertising in such manner.

Alternatively, respondent was given the option of either requesting a hearing before the Board or submitting a written explanation and waiving respondent's right to a hearing. Waiving the right to a hearing, respondent elected to submit a written explanation in which respondent maintained:

- a. The advertisement presented to the Board was his but that it was an old advertisement which he was no longer using in his practice.
- b. The advertisement which is found to be in violation of the above mentioned regulations was replaced with a new advertisement.
- c. The new version of the advertisement was not violative of the regulation letter. He requested dismissal of the civil penalty in the amount of \$500 be granted in this instance since he purportedly fixed the problems with the original advertisement.

At its meeting on December 27, 2000, the Board considered the Complaint and respondent's explanation. With respect to the charges of N.J.A.C. 13:44-4.8(e)(2) and N.J.A.C. 13:44-4.8(l), the Board finds that respondent's initial advertisement does not specifically delineate the services to which the 10% discount is to be applied and that respondent did not include his degree following his name and/or respondent failed to state that he was a veterinarian as required under the regulations. Additionally, respondent admitted that once he received the U.P.L. and learned that the initial advertisement violated the above mentioned regulations, he created a new version of the advertisement to replace the old advertisement. Accordingly, the Board finds that respondent failed to conform to statutory and/or regulatory obligations as set forth in the U.P.L. and therefore, it concludes that the violations N.J.A.C. 13:44-4.8(e)(2) and N.J.A.C. 13:44-4.8(l), occurred.

Based on the foregoing:

IT IS on this 28<sup>th</sup> day of FEBRUARY, 2001,

ORDERED that:

1. Respondent shall pay to the Board of Veterinary Medical Examiners a total of \$612.90 which consists of a civil penalty in the amount of \$500 for the violations as set forth in the U.P.L. detailed above and costs in the amount of \$112.90 for the preparation of the Final Decision and Order. Said payment shall be made by certified check or money order payable to the State Board of Veterinary Medical Examiners and shall be delivered within ten (10) days of service of this Order to Diane Romano, the Executive Director at the Board of Veterinary Medical Examiners, P.O. Box 45020, Newark, New Jersey 07101. Failure to remit the payment required by this Order will result in the filing of a certificate of debt.

2. Respondent shall cease and desist from engaging in any of the conduct found herein to be unlawful.

NEW JERSEY STATE  
BOARD OF VETERINARY MEDICAL EXAMINERS

By: 

Carolyn Self, DVM  
President